

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 8/26/2022
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SHERON WALTERS,	:	
	:	
Plaintiff,	:	1:21-cv-2880-GHW
	:	
-v -	:	<u>ORDER</u>
	:	
CITY OF NEW YORK,	:	
	:	
Defendant.	:	
	:	
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GREGORY H. WOODS, United States District Judge:		

On August 8, 2022, the Court issued an order on the docket scheduling a conference for August 19, 2022 at 3:00 p.m. Dkt. No. 45. On August 19, 2022, the Court, the court reporter, and counsel for Defendant appeared on the conference line at the scheduled time, but Plaintiff failed to appear. The Court adjourned the conference after it became clear that Plaintiff would not be joining the call. Later that day, the Court issued an order on the docket adjourning the conference until August 26, 2022 at 3:00 p.m. Dkt. No. 46.

On August 19, 2022, the Court, the court reporter, and counsel for Defendant appeared on the conference line at the scheduled time, but Plaintiff again failed to appear. The Court adjourned the conference after it became clear that Plaintiff would not be joining the call. The Court will hold a teleconference on September 2, 2022 at 3:00 p.m. The parties are directed to use the Court's designated conference line at (888) 557-8511, and enter Access Code 747-0200, followed by the pound (#) key.

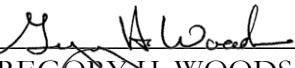
Plaintiff is ordered to comply with the Court's orders and to appear at the conference scheduled for September 2, 2022. Continued failure to comply with the Court's orders may result in dismissal of this case under Federal Rule of Civil Procedure 41(b). Rule 41(b) provides, in relevant part, that "[i]f the plaintiff fails to prosecute or to comply with these rules or a court order, a

defendant may move to dismiss the action or any claim against it.” Fed. R. Civ. P. 41(b). “Although the text of Fed. R. Civ. P. 41(b) expressly addresses only the case in which a defendant moves for dismissal of an action, it is unquestioned that Rule 41(b) also gives the district court authority to dismiss a plaintiff’s case *sua sponte* for failure to prosecute.” *LeSane v. Hall’s Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962)).

Defendant is directed to mail a copy of this order to Plaintiff and to file proof of service no later than August 29, 2022.

SO ORDERED.

Dated: August 26, 2022  
New York, New York

  
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GREGORY H. WOODS  
United States District Judge